UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FINJAN LLC,

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Plaintiff,

v.

SONICWALL, INC.,

Defendant.

Case No. 17-cv-04467-BLF

OMNIBUS ORDER RE: SEALING MOTIONS AT ECF 319, 327, 329, 335

Before the Court are administrative motions filed by Plaintiff Finjan, Inc. ("Finjan") and Defendant SonicWall, Inc. ("SonicWall") to file under seal portions of their briefs and exhibits in connection with SonicWall's Motion for Partial Summary Judgment (at ECF 320). For the reasons stated below, (1) SonicWall's Administrative Motion to File Under Seal at ECF 319 is GRANTED, (2) Finjan's Administrative Motion to File Under Seal at ECF 327 is TERMINATED as moot, (3) Finjan's Amended Administrative Motion to File Under Seal at ECF 329 is GRANTED, and (4) SonicWall's Administrative Motion to File Under Seal at ECF 335 is GRANTED.

#### I. LEGAL STANDARD

"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents." Kamakana v. City & Cty. Of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n. 7 (1978)). Accordingly, when considering a sealing request, "a 'strong presumption in favor of access' is the starting point." Id. (quoting Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)). Parties seeking to seal judicial records relating to motions that are "more than tangentially related to the underlying cause of action" bear the burden of overcoming the presumption with "compelling reasons" that outweigh the general history of access and the public

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policies favoring disclosure. Ctr. for Auto Safety v. Chrysler Grp., 809 F.3d 1092, 1099 (9th Cir. 2016); Kamakana, 447 F.3d at 1178–79.

However, "while protecting the public's interest in access to the courts, we must remain mindful of the parties' right to access those same courts upon terms which will not unduly harm their competitive interest." Apple Inc. v. Samsung Elecs. Co., Ltd., 727 F.3d 1214, 1228–29 (Fed. Cir. 2013). Records attached to motions that are "not related, or only tangentially related, to the merits of a case" therefore are not subject to the strong presumption of access. Ctr. for Auto Safety, 809 F.3d at 1099; see also Kamakana, 447 F.3d at 1179 ("[T]he public has less of a need for access to court records attached only to non-dispositive motions because those documents are often unrelated, or only tangentially related, to the underlying cause of action."). Parties moving to seal the documents attached to such motions must meet the lower "good cause" standard of Rule 26(c). Kamakana, 447 F.3d at 1179 (internal quotations and citations omitted). This standard requires a "particularized showing," id., that "specific prejudice or harm will result" if the information is disclosed. Phillips ex rel. Estates of Byrd v. Gen. Motors Corp., 307 F.3d 1206, 1210–11 (9th Cir. 2002); see Fed. R. Civ. P. 26(c). "Broad allegations of harm, unsubstantiated by specific examples of articulated reasoning" will not suffice. Beckman Indus., Inc. v. Int'l Ins. Co., 966 F.2d 470, 476 (9th Cir. 1992). A protective order sealing the documents during discovery may reflect the court's previous determination that good cause exists to keep the documents sealed, see Kamakana, 447 F.3d at 1179–80, but a blanket protective order that allows the parties to designate confidential documents does not provide sufficient judicial scrutiny to determine whether each particular document should remain sealed. See Civ. L.R. 79-5(d)(1)(A) ("Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.").

In addition to making particularized showings of good cause, parties moving to seal documents must comply with the procedures established by Civ. L.R. 79-5. Pursuant to Civ. L.R. 79-5(b), a sealing order is appropriate only upon a request that establishes the document is "sealable," or "privileged or protectable as a trade secret or otherwise entitled to protection under the law." "The request must be narrowly tailored to seek sealing only of sealable material, and must

conform with Civil L.R. 79-5(d)." Civ. L.R. 79-5(b). In part, Civ. L.R. 79-5(d) requires the submitting party to attach a "proposed order that is narrowly tailored to seal only the sealable material" which "lists in table format each document or portion thereof that is sought to be sealed," Civ. L.R. 79-5(d)(1)(b), and an "unredacted version of the document" that indicates "by highlighting or other clear method, the portions of the document that have been omitted from the redacted version." Civ. L.R. 79-5(d)(1)(d). "Within 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable." Civ. L.R. 79-5(e)(1).

#### II. DISCUSSION

The Court has reviewed the parties' sealing motions and the declarations of the designating parties submitted in support thereof. The Court's rulings on the sealing requests are set forth in the tables below. Where the designating party has requested sealing, the Court finds that the parties have articulated compelling reasons to seal certain portions of the submitted documents and the proposed reductions are generally narrowly tailored.

## A. ECF 319, Sealing Motion Related to SonicWall's Motion for Partial Summary Judgment

ECF or Exh.	Document	Result	Reasoning
ECF 320	Defendant SonicWall,	GRANTED as	The highlighted portions of this
	Inc's Motion for	to highlighted	document reflect information that
	Summary Judgement	portions at:	SonicWall has designated as
		Page 3: lines 2-	"Highly Confidential – Attorneys"
		7, 9-10, 14-15;	Eyes Only" or "Highly
		Page 7: lines	Confidential – Attorney's Eyes
		12-13, 19-20,	Only – Source Code" pursuant to
		23;	the Stipulated Protective Order. If
		Page 11: lines	filed publicly, this confidential
		2-3, 5-10, 18;	information could be used to
		Page 12: lines	SonicWall's disadvantage by
		1-4, 12-16;	competitors as it concerns the
		Page 14: lines	identification, organization, and
		16-17;	or operation of SonicWall's
		Page 17: lines	proprietary products. See
		13-14, 18-20;	Declaration of Nicole E. Grigg in
		Page 19: lines	Support of Administrative Motion
		15, 19, 22, 24-	to File Documents Under Seal

ECF or Exh.	Document	Result	Reasoning
		28; Page 20: lines 1-4, 6-9, 12, 16- 23; Page 21: lines 6-8.	("Grigg Declaration"), ¶¶ 2-5.
3 to Gunther Declaration	Excerpts from the September 3, 2020 Expert Report of Dr. Nenad Medvidovic Regarding Infringement by SonicWall, Inc. of Patent Nos. 8,225,408; 7,975,305; and 8,141,154	GRANTED as to entire document.	This document reflects information that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorney's Eyes Only – Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products. See Grigg Declaration ¶¶ 2-5.
4 to Gunther Declaration	Excerpts from the September 4, 2020 Expert Report of DeForest McDuff, Ph.D	GRANTED as to entire document.	This document reflects information that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns SonicWall's confidential financial and business information. <i>See</i> Grigg Declaration ¶ 2-5.
5 to Gunther Declaration	Excerpts from the July 9, 2020 John Gmuender Deposition Transcript	GRANTED as to entire document.	This document reflects testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorney's Eyes Only – Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and

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ECF or Exh.	Document	Result	Reasoning
			or operation of SonicWall's proprietary products. <i>See</i> Grigg Declaration ¶¶ 2-5.
6 to Gunther Declaration	Excerpts from the July 16, 2020 Shunhui Zhu Deposition Transcript.	GRANTED as to entire document.	This document reflects testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorney's Eyes Only – Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products. <i>See</i> Grigg Declaration ¶¶ 2-5.
7 to Gunther Declaration	Excerpts from the July 29, 2020 Dmitriy Ayrapetov Deposition Transcript	GRANTED as to entire document.	This document reflects testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorney's Eyes Only – Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products. <i>See</i> Grigg Declaration ¶¶ 2-5.
8 to Gunther Declaration	Excerpts from the July 24, 2020 Matt Neiderman Deposition Transcript	GRANTED as to entire document.	This document reflects testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorney's Eyes Only – Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's

ECF or Exh.	Document	Result	Reasoning
			proprietary products. <i>See</i> Grigg Declaration ¶¶ 2-5.
14 to Gunther Declaration	Excerpts from the October 22, 2020 Eric B. Cole, Ph.D. Deposition Transcript	GRANTED as to entire document.	This document reflects testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" and "Highly Confidential – Attorneys' Eyes Only - Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products, including its source code. <i>See</i> Grigg Declaration, ¶¶ 2-5.
15 to Gunther Declaration	Excerpts from the October 26, 2020 Michael Mitzenmacher, Ph.D. Deposition Transcript	GRANTED as to entire document.	This document reflects testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" and "Highly Confidential – Attorneys' Eyes Only - Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products, including its source code. <i>See</i> Grigg Declaration, ¶¶ 2-5.
16 to Gunther Declaration	Excerpts from the October 29, 2020 Nenad Medvidovic, Ph.D. Deposition Transcript	GRANTED as to entire document.	This document reflects testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" and "Highly Confidential – Attorneys' Eyes Only - Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and

ECF or Exh.	Document	Result	Reasoning
			or operation of SonicWall's proprietary products, including its source code. <i>See</i> Grigg Declaration, ¶¶ 2-5.
17 to Gunther Declaration	Excerpts from the September 3, 2020 Expert Report of Dr. Eric B. Cole Regarding Technology Tutorial and Infringement by SonicWall, Inc. of Patent Nos. 6,154,844; 7,058,822; 7,647,633; and 8,677,494	GRANTED as to entire document.	This document reflects testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" and "Highly Confidential – Attorneys' Eyes Only - Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products, including its source code. <i>See</i> Grigg Declaration, ¶¶ 2-5.
18 to Gunther Declaration	Excerpts from the September 3, 2020 Expert Report of Michael Mitzenmacher, Ph.D. Regarding Infringement by SonicWall, Inc. of Patent Nos. 6,804,780; 6,965,968; and 7,613,926	GRANTED as to entire document.	This document reflects testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" and "Highly Confidential – Attorneys' Eyes Only - Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products, including its source code. <i>See</i> Grigg Declaration, ¶¶ 2-5.
19 to Gunther Declaration	December 1, 2015 CloudAV 2.1: Sandbox. Specifications and Design, Version 0.2 (December 1, 2015), bearing bates numbers SonicWall- Finjan_00876666 - SonicWall-	GRANTED as to entire document.	SonicWall has designated this internal technical specification "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and

ECF or Exh.	Document	Result	Reasoning
			Grigg Declaration, ¶¶ 2-5.
24 to Gunther	Excerpts from the July	GRANTED as	This document reflects testimony
Declaration	7, 2020 Senthil	to entire	that SonicWall has designated as
	Cheetancheri	document.	"Highly Confidential – Attorneys'
	Deposition Transcript		Eyes Only" or "Highly Confidential – Attorney's Eyes
			Only – Source Code" pursuant to
			the Stipulated Protective Order. If
			filed publicly, this confidential
			information could be used to
			SonicWall's disadvantage by
			competitors as it concerns the
			identification, organization, and
			or operation of SonicWall's proprietary products. <i>See</i> Grigg
			Declaration ¶¶ 2-5.
6 to Gunther	December 29, 2017	GRANTED as	SonicWall has designated this
Declaration	SonicSandbox 2.2	to entire	internal technical specification
	Functional	document.	"Highly Confidential – Attorneys'
	Specification, Version		Eyes Only" pursuant to the
	1 (2017/12/29),		Stipulated Protective Order. If
	bearing bates numbers SonicWall-		filed publicly, this confidential information could be used to
	Finjan_00002551 -		SonicWall's disadvantage by
	SonicWall-		competitors as it concerns the
	Finjan_00002561.		identification, organization, and
			or operation of SonicWall's
			proprietary products. See Grigg
27 to Gunther	Exposure to from the	CD ANTED as	Declaration, ¶¶ 2-5.
Declaration	Excerpts from the November 2, 2020	GRANTED as to entire	This document reflects testimony that SonicWall has designated as
Deciaration	DeForest McDuff,	document.	"Highly Confidential – Attorneys"
	Ph.D. Deposition		Eyes Only" pursuant to the
	Transcript		Stipulated Protective Order. If
			filed publicly, this confidential
			information could be used to
			SonicWall's disadvantage by
			competitors as it concerns SonicWall's confidential financial
			and business information. See
			Grigg Declaration ¶¶ 2-5.
28 to Gunther	The July 31, 2020	GRANTED as	This document reflects
Declaration	Plaintiff Finjan Inc.'s	to entire	information that Finjan has
	Third Supplemental	document.	designated as "Highly
	Objections and		Confidential – Attorneys' Eyes
	Responses to		Only" pursuant to the Stipulated

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ECF or Exh.	Document	Result	Reasoning
	Defendant SonicWall, Inc.'s First Set of Interrogatories (No 6)		Protective Order. See Grigg Declaration ¶¶ 2-5.  This document reflects information and testimony regarding Finjan's business practices and licensing negotiations, which Finjan has designated "HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY" under the Protective Order (ECF No. 68). Public disclosure of this information would cause harm to Finjan. See Declaration of K. Nicole Williams in Support of SonicWall's Administrative Motion to File Under Seal
29 to Gunther Declaration	Excerpts from the February 26, 2020 John Garland Deposition Transcript	GRANTED as to entire document.	("Williams Decl.") ¶ 3, ECF 322.  This document reflects information that Finjan has designated as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. See Grigg Declaration ¶¶ 2-5.
			This document reflects testimony regarding Finjan's business practices and licensing negotiations, which Finjan has designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" under the Protective Order (ECF No. 68). Public disclosure of this information would cause harm to Finjan. See Williams Decl. ¶ 4.
30 to Gunther Declaration	June 10-11, 2014 Email thread between Finjan and Dell bearing bates numbers Finjan-SW 047868 - Finjan-SW 047869	GRANTED as to entire document.	This document reflects information that Finjan has designated as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. <i>See</i> Grigg Declaration ¶¶ 2-5.

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ECF or Exh.	Document	Result	Reasoning
31 to Gunther Declaration	November 25, 2014 Introductory Licensing Meeting Presentation bearing bates numbers Finjan-SW 047884 - Finjan-SW 047924	GRANTED as to entire document.	This document reflects information regarding Finjan's business practices and licensing negotiations, which Finjan has designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" under the Protective Order (ECF No. 68). Public disclosure of this information would cause harm to Finjan. See Williams Decl. ¶ 5.  This document reflects information that Finjan has designated as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. See Grigg Declaration ¶¶ 2-5.  This document reflects information regarding Finjan's business practices and licensing negotiations, which Finjan has designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" under the Protective Order (ECF No. 68). Public disclosure of this information would cause harm to
32 to Gunther Declaration	September 17, 2014 Email between Finjan and Dell bearing bates numbers Finjan-SW 047936 - Finjan-SW 047946	GRANTED as to entire document.	Finjan. See Williams Decl. ¶ 6.  This document reflects information that Finjan has designated as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. See Grigg Declaration ¶¶ 2-5.
			This document reflects information regarding Finjan's business practices and licensing negotiations, which Finjan has designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" under the Protective Order (ECF

ECF or Exh.	Document	Result	Reasoning
			No. 68). Public disclosure of this
			information would cause harm to
	0 1 10 0011	CD 117000	Finjan. See Williams Decl. ¶ 7.
33 to Gunther	October 12, 2016	GRANTED as	This document reflects
Declaration	Patent Licensing Discussions	to entire document.	information that Finjan has
	Presentation bearing	document.	designated as "Highly Confidential – Attorneys' Eyes
	bates numbers Finjan-		Only" pursuant to the Stipulated
	SW 047979 - Finjan-		Protective Order. See Grigg
	SW 048008		Declaration ¶¶ 2-5.
			This document reflects
			information regarding Finjan's
			business practices and licensing
			negotiations, which Finjan has
			designated "HIGHLY CONFIDENTIAL –
			ATTORNEYS' EYES ONLY"
			under the Protective Order (ECF
			No. 68). Public disclosure of this
			information would cause harm to
			Finjan. See Williams Decl. ¶ 8.
34 to Gunther	An email from John	GRANTED as	This document reflects
Declaration	Garland of Finjan to	to entire	information that Finjan has
	Mattthew Neiderman	document.	designated this document "Highly
	of SonicWall attaching a chart of Exemplary		Confidential – Attorneys' Eyes Only" pursuant to the Stipulated
	Finjan Patents of		Protective Order. See Grigg
	Interest to SonicWall		Declaration ¶¶ 2-5.
	bearing bates numbers		
	SonicWall-		This document reflects
	Finjan_01044809 - SonicWall-		information regarding Finjan's
	Finjan_01044812		business practices and licensing negotiations, which Finjan has
	1 mjan_010 <del>11</del> 012		designated "HIGHLY
			CONFIDENTIAL –
			ATTORNEYS' EYES ONLY"
			under the Protective Order (ECF
			No. 68). Public disclosure of this
			information would cause harm to Finjan. <i>See</i> Williams Decl. ¶ 9.
36 to Gunther	July 8, 2014 Email	GRANTED as	This document reflects
Declaration Declaration	between Finjan and	to entire	information that Finjan has
	Dell bearing bates	document.	designated this document "Highly
	number Finjan-SW		Confidential – Attorneys' Eyes
	047947 - Finjan-SW		Only" pursuant to the Stipulated

ECF or Exh.	Document	Result	Reasoning
37 to Gunther Declaration	November 1-21, 2016 Email thread between Finjan and Dell bearing bates numbers Finjan-SW 047959 - Finjan-SW 047962	GRANTED as to entire document.	Protective Order. See Grigg Declaration ¶¶ 2-5.  This document reflects information regarding Finjan's business practices and licensing negotiations, which Finjan has designated "HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY" under the Protective Order (ECF No. 68). Public disclosure of this information would cause harm to Finjan. See Williams Decl. ¶ 10.  This document reflects information that Finjan has designated this document "Highly Confidential — Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. See Grigg Declaration ¶¶ 2-5.  This document reflects information regarding Finjan's business practices and licensing negotiations, which Finjan has designated "HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY" under the Protective Order (ECF No. 68). Public disclosure of this information would cause harm to Finjan. See Williams Decl. ¶ 11.
38 to Gunther Declaration	June 8, 2017 Patent Licensing Discussions Presentation bearing bates numbers FINJAN-SW 146162 - FINJAN-SW 146192.	GRANTED as to entire document.	This document reflects information that Finjan has designated this document "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. See Grigg Declaration ¶¶ 2-5.  This document reflects information regarding Finjan's business practices and licensing negotiations, which Finjan has designated "HIGHLY

1	ECF or Exh.	Document	Result	Reasoning
2				CONFIDENTIAL – ATTORNEYS' EYES ONLY"
3				under the Protective Order (ECF
$_{4}\parallel$				No. 68). Public disclosure of this information would cause harm to
5				Finjan. See Williams Decl. ¶ 12.
5	39 to Gunther	Excerpts from the July	GRANTED as	This document reflects testimony
	Declaration	31, 2020 Brook Chelmo Deposition	to entire document.	that SonicWall has designated as "Highly Confidential – Attorneys'
		Transcript	document.	Eyes Only" or "Highly
				Confidential – Attorney's Eyes Only – Source Code" pursuant to
				the Stipulated Protective Order. If filed publicly, this confidential
				information could be used to
				SonicWall's disadvantage by competitors as it concerns the
				identification, organization, and
				or operation of SonicWall's proprietary products. <i>See</i> Grigg
		Declaration Of John	GRANTED as	Declaration ¶¶ 2-5. This document reflects
		Gmuender in Support	to entire	information that SonicWall has
		of Sonicwall Inc.'s Motion For Partial	document.	designated as "Highly Confidential – Attorneys' Eyes
		Summary Judgment		Only" and "Highly Confidential –
				Attorneys' Eyes Only - Source Code" pursuant to the Stipulated
				Protective Order. If filed publicly, this confidential information
				could be used to SonicWall's
				disadvantage by competitors as it concerns the identification,
				organization, and or operation of
				SonicWall's proprietary products, including its source code. <i>See</i>
	A to	SonicWall-	GRANTED as	Grigg Declaration, ¶¶ 2-5. SonicWall has designated this
	Gmuender	Finjan_00002562-2573	to entire	internal technical specification
	Declaration	("SonicSandbox Design Specification")	document.	"Highly Confidential – Attorneys' Eyes Only" pursuant to the
		<i>(</i> 1 )		Stipulated Protective Order. If
				filed publicly, this confidential information could be used to
				SonicWall's disadvantage by
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ECF or Exh. No.	Document	Result	Reasoning
			competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products. <i>See</i> Grigg Declaration, ¶¶ 2-5.
B to Gmuender Declaration	SonicWall- Finjan_00873017- 873027 ("SonicSandbox high level design")	GRANTED as to entire document.	SonicWall has designated this document "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products. <i>See</i> Grigg Declaration, ¶¶ 2-5.
C to Gmuender Declaration	Excerpts of SonicWall's produced source code bearing bates numbers SonicWall-Finjan- SC_0412-421	GRANTED as to entire document.	SonicWall has designated this document "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products, including source code. <i>See</i> Grigg Declaration, ¶¶ 2-5.
D to Gmuender Declaration	Excerpts of SonicWall's produced source code bearing bates numbers SonicWall-Finjan- SC_0098-104	GRANTED as to entire document.	SonicWall has designated this document "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products, including source code. See Grigg Declaration, ¶¶ 2-5.

# B. ECF 329, Sealing Motion Related to Finjan's Opposition to SonicWall's Motion for Partial Summary Judgment

ECF or	Document	Result	Reasoning
Exh. No.			
ECF 326	Finjan's Opposition to SonicWall's Motion for Partial Summary Judgment	GRANTED as to highlighted portions at age 2, lines 15-20; page 3, lines 20-22; page 6, lines 2 and 16-22; page 7, lines 7-12 and 23-27; page 12, lines 21-27; page 13, lines 2-8, 11, 13-14, and 26-27; page 15, lines 20-21; page 16, lines 19-22 and 26-27; page 17, lines 2-14 and 25-27; page 18, lines 1-6, 9-10, and 15; page 19, lines 20-21.	The highlighted portions of this document reflect information that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Declaration of K. Nicole Williams In Support of Sealing ("Williams Sealing Decl.") ¶ 3.  Specifically, as to page 2, lines 15-20; page 3, lines 20-22; page 6, lines 2 and 16-22; page 7, lines 7-12 and 23-27; page 12, lines 21-27; page 13, lines 2-8, 11, 13-14, and 26-27; page 15, lines 20-21; page 16, lines 19-22 and 26-27; page 17, lines 2-14 and 25-27; page 18, lines 1-6, 9-10, and 15; page 19, lines 20-21 of Finjan's Opposition to SonicWall's Motion for Partial Summary Judgment include references to SonicWall's technical specifications as well as Finjan's expert reports, all of which contain information that SonicWall has designated as "Highly Confidential – Attorneys'

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			Eyes Only" or "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, operation, and source code related to SonicWall's proprietary products. <i>See</i> Declaration of Nicole E. Grigg ("Grigg Decl.") ¶ 3, ECF 334.
Exh. A	Excerpts from the Expert Report of Dr. Nenad Medvidovic Regarding Infringement by SonicWall, Inc. of Patent Nos. 8,225,408; 7,975,305 and 8,141,154, dated September 3, 2020	GRANTED as to entire document.	This document reflects information SonicWall has designated "Highly Confidential – Attorneys' Eyes Only" and "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.  Specifically, Exhibit A contains excerpts from Finjan's expert reports which cite to and quote SonicWall's confidential technical information that SonicWall has designated as "Confidential – Attorneys' Eyes Only" and "Confidential – Attorneys' Eyes only –Source Code" pursuant to the Protective Order. See Grigg Decl. ¶ 3.

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Exh R	Excernts from the	GRANTED as to	This deposition transcript
Exh. B	Excerpts from the Deposition Transcript of Michael King taken July 24, 2020	GRANTED as to entire document.	This deposition transcript was designated by SonicWall as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could be potentially discerned. See Williams Sealing Decl. ¶ 4.  Specifically, Exhibit B is an excerpt from deposition transcripts that contain testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Protective
Exh. C	Excerpts from the Deposition Transcript of Shunhui Zhu taken July 16, 2020	GRANTED as to entire document.	order. See Grigg Decl. ¶ 3.  This deposition transcript was designated by SonicWall as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.  Specifically, Exhibit C is an excerpt from deposition transcripts that contain testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes Only – Source Code"

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			Order. See Grigg Decl. ¶ 3.
Exh. D	Excerpts from the Deposition Transcript of Eric Hawkes taken July 21, 2020	GRANTED as to entire document.	This deposition transcript was designated by SonicWall as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.
			Specifically, Exhibit D is an excerpt from deposition transcripts that contain testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Protective Order. See Grigg Decl. ¶ 3.
Exh. E	Presentation Produced as SonicWall- Finjan_00549272- SonicWall- Finjan_00549291	GRANTED as to entire document.	This document reflects information SonicWall has designated "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.
			Specifically, Exhibit E is a SonicWall presentation or technical specification that contains SonicWall's confidential technical information that SonicWall designated as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Orde. See Grigg

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			Decl. ¶ 3.
Exh. F	Excerpts from the Deposition Transcript of Eric B. Cole, Ph.D. taken October 22, 2020	GRANTED as to entire document.	This deposition contains information designated by SonicWall as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.  Specifically, Exhibit F is an excerpt from deposition transcripts that contain testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes Only – Source Code"
Exh. G	Expert Report of Michael Mitzenmacher, Ph.D. Regarding Infringement of SonicWall, Inc. of Patent Nos. 6,804,780; 6,965,968; and 7,613,926, dated September 3, 2020	GRANTED as to entire document.	pursuant to the Protective Order. See Grigg Decl. ¶ 3.  This document reflects information SonicWall has designated "Highly Confidential – Attorneys' Eyes Only" and "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.  Specifically, Exhibit G contains excerpts from Finjan's expert reports which cite to and quote SonicWall's confidential technical information that SonicWall has designated as

			"Confidential – Attorneys' Eyes Only" and "Confidential – Attorneys' Eyes only –Source Code" pursuant to the Protective Order. <i>See</i> Grigg Decl. ¶ 3.
Exh. H	Excerpts from the Expert Report of Dr. Eric Cole Regarding Technology Tutorial and Infringement by SonicWall, Inc. of Patent Nos. 6,154,844; 7,058,822; 7,647,633 and 8,677,494	GRANTED as to entire document.	This document reflects information SonicWall has designated "Highly Confidential – Attorneys' Eyes Only" and "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.  Specifically, Exhibit G contains excerpts from Finjan's expert reports which cite to and quote SonicWall's confidential technical information that SonicWall has designated as "Confidential – Attorneys' Eyes Only" and "Confidential – Attorneys' Eyes only –Source Code" pursuant to the Protective Order. See Grigg Decl. ¶ 3.
Exh. I	Excerpts from the Deposition Transcript of Kevin Almeroth, Ph.D. taken October 21, 2020	GRANTED as to entire document.	This deposition contains information designated by SonicWall as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.

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			Specifically, Exhibit I is an excerpt from deposition transcripts that contain testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Protective Order. See Grigg Decl. ¶ 3.
Exh. J	Excerpt from the Deposition Transcript of John Gmuender taken July 9, 2020	GRANTED as to entire document.	This deposition contains information designated by SonicWall as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.  Specifically, Exhibit J is an excerpt from deposition transcripts that contain testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Protective Order. See Grigg Decl. ¶ 3.
Exh. K	Excerpt from the Deposition Transcript of Patrick McDaniel, Ph.D. taken October 23, 2020	GRANTED as to entire document.	This deposition contains information designated by SonicWall as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.

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			Specifically, Exhibit K is an excerpt from deposition transcripts that contain testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Protective Order. See Grigg Decl. ¶ 3.
Exh. L	SonicWall Document Produced as SonicWall- Finjan_00002532- SonicWall- Finjan_00002550	GRANTED as to entire document.	This document reflects information SonicWall has designated "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.  Specifically, Exhibit L is a SonicWall presentation or technical specification that contains SonicWall's confidential technical information that SonicWall designated as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Orde. See Grigg Decl. ¶ 3.
Exh. N	SonicWall Document Produced as SonicWall- Finjan_00002574- SonicWall- Finjan_00002592	GRANTED as to entire document.	This document reflects information SonicWall has designated "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.

1				Specifically, Exhibit N is a SonicWall presentation or technical specification that
2				contains SonicWall's
3				confidential technical information that SonicWall
4				designated as "Highly
5				Confidential – Attorneys' Eyes Only" pursuant to the
6				Protective Orde. See Grigg
7	Exh. P	SonicWall Document	GRANTED as to	Decl. ¶ 3.  This document reflects
8		Produced as SonicWall-	entire document.	information SonicWall has designated "Highly
9		Finjan_00599079- SonicWall-		Confidential – Attorneys' Eyes Only" pursuant to the
10		Finjan_00599109		Stipulated Protective Order,
11				and from which confidential information regarding
12				SonicWall's accused products could potentially
13				be discerned. <i>See</i> Williams Sealing Decl. ¶ 4.
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15				Specifically, Exhibit P is a SonicWall presentation or
16				technical specification that contains SonicWall's
17				confidential technical information that SonicWall
18				designated as "Highly
19				Confidential – Attorneys' Eyes Only" pursuant to the
20				Protective Orde. <i>See</i> Grigg Decl. ¶ 3.
21	Exh. Q	SonicWall Document Produced as	GRANTED as to entire document.	This document reflects
22		SonicWall-	entire document.	information SonicWall has designated "Highly
23		Finjan_00373438- SonicWall-		Confidential – Attorneys' Eyes Only" pursuant to the
24		Finjan_00373472		Stipulated Protective Order,
25				and from which confidential information regarding
26				SonicWall's accused products could potentially
27				be discerned. <i>See</i> Williams Sealing Decl. ¶ 4.
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			Specifically, Exhibit Q is a
			SonicWall presentation or technical specification that contains SonicWall's confidential technical information that SonicWall designated as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Orde. See Grigg Decl. ¶ 3.
Exh. R	Email Produced as SonicWall- Finjan_00465540- SonicWall- Finjan_00465543	GRANTED as to entire document.	This document reflects information SonicWall has designated "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.  Specifically, Exhibit R is an internal SonicWall email produced by SonicWall that contains confidential technical information that SonicWall designated as ""Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Order. See Grigg Decl. ¶ 3.
Exh. S	Excerpts from the Deposition Transcript of Ravi Chopra dated December 19, 2019	GRANTED as to entire document.	This deposition contains information designated by SonicWall as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. See Williams Sealing Decl. ¶ 4.
			Specifically, Exhibit S is an

			excerpt from deposition transcripts that contain testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes Only – Source Code" pursuant to the Protective Order. See Grigg Decl. ¶ 3.
Exh. T	Email Produced as FINJAN-SW 047873- FINJAN-SW 047876	GRANTED as to entire document.	This document reflects information SonicWall has designated "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order, and from which confidential information regarding SonicWall's accused products could potentially be discerned. Additionally, this document reflects Finjan information that is "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Order, including information relating to Finjan's licensing negotiations and business practices. Public disclosure of this information would cause harm to Finjan. See Williams Sealing Decl. ¶¶ 4-5.  Specifically, Exhibit T is an email that reflects SonicWall's confidential technical information designated as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Order. See Grigg Decl. ¶ 3.

# United States District Court Northern District of California

## C. ECF 335, Sealing Motion Related to SonicWall's Reply in Support of its Motion for Partial Summary Judgment

ECF or Exh.	Document	Result	Reasoning
ECF 336	Defendant SonicWall, Inc's Reply in Support of its Motion for Partial Summary Judgment	GRANTED as to highlighted portions at: Page 2: lines 3-4; Page 3: lines 3-4; Page 9: lines 15-21, 24-26; Page 10: lines 21, 23, 25-28; Page 11: lines 1-3, 5-17; Page 12: lines 1-3	The highlighted portions of this document reflect information that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorney's Eyes Only – Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products. <i>See</i> Declaration of Nicole E. Grigg in Support of Administrative Motion to File Documents Under Seal ("Grigg Declaration"), ¶¶ 2-5.
41 to Gunther Declaration	Excerpts from the July 14, 2020 John Gordineer Deposition Transcript	GRANTED as to entire document.	This document contains testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes Only - Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products, including its source code. <i>See</i> Grigg Declaration, ¶¶ 2-5.
42 to Gunther Declaration	Excerpts from the July 21, 2020 Eric Hawkes Deposition Transcript	GRANTED as to entire document.	This document contains testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes

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ECF or Exh.	Document	Result	Reasoning
			Only - Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products, including its source code. <i>See</i> Grigg Declaration, ¶¶ 2-5.
43 to Gunther Declaration	Excerpts from the July 24, 2020 Michael King Deposition Transcript	GRANTED as to entire document.	This document contains testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes Only - Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products, including its source code. <i>See</i> Grigg Declaration, ¶¶ 2-5.
44 to Gunther Declaration	Excerpts from the October 22, 2020 Dr. Eric Cole Deposition Transcript	GRANTED as to entire document.	This document contains testimony that SonicWall has designated as "Highly Confidential – Attorneys' Eyes Only" or "Highly Confidential – Attorneys' Eyes Only - Source Code" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products, including its source code. <i>See</i> Grigg Declaration, ¶¶ 2-5.
45 to	Finjan's notice of	GRANTED as	This document contains
Gunther	inadvertently produced	to entire	information that Finjan has

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ECF or Exh.	Document	Result	Reasoning
Declaration	documents bearing Bates numbers Finjan- SW 047873-76 and privilege log dated July 24, 2018	document.	designated as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. <i>See</i> Grigg Declaration, ¶¶ 2-5.
			This document reflects information regarding Finjan's internal business practices and licensing negotiations, which Finjan has designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" under the Protective Order (ECF No. 68). Public disclosure of this information would cause harm to Finjan. <i>See</i> Declaration of K. Nicole Williams in Support of SonicWall's Administrative Motion to File Under Seal ¶ 3, ECF 338.
46 to Gunther Declaration	SonicWall's Comprehensive Gateway Security Suite datasheet bearing Bates Nos. SonicWall- Finjan 00454707-709	GRANTED as to entire document.	SonicWall has designated this internal datasheet "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products. See Grigg Declaration, ¶¶ 2-5.
47 to Gunther Declaration	SonicWall's WAN Acceleration Appliance (WXA) Series datasheet bearing Bates Nos. SonicWall-Finjan 00017623-627	GRANTED as to entire document.	SonicWall has designated this internal datasheet "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order. If filed publicly, this confidential information could be used to SonicWall's disadvantage by competitors as it concerns the identification, organization, and or operation of SonicWall's proprietary products.

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ECF or Exh.	Document	Result	Reasoning
			See Grigg Declaration, ¶¶ 2-5.

For the foregoing reasons:

- (1) SonicWall's Administrative Motion to File Under Seal at ECF 319 is GRANTED;
- (2) Finjan's Administrative Motion to File Under Seal at ECF 327 is TERMINATED as moot;
- (3) Finjan's Amended Administrative Motion to File Under Seal at ECF 329 is GRANTED; and
- (4) SonicWall's Administrative Motion to File Under Seal at ECF 335 is GRANTED.

### IT IS SO ORDERED.

Dated: March 8, 2021

BETH LABSON FREEMAN United States District Judge

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